

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

-----X  
BROADCAST MUSIC, INC.; )  
UNIVERSAL-SONGS OF POLYGRAM )  
INTERNATIONAL, INC.; SONY/ )  
ATV SONGS LLC d/b/a SONY/ATV )  
TREE PUBLISHING; DYNATONE )  
PUBLISHING COMPANY; RONDOR )  
MUSIC INTERNATIONAL, INC. )  
d/b/a IRVING MUSIC; JAMES )  
WILLIAM BUFFETT a/k/a JIMMY )  
BUFFETT, an individual d/b/a )  
CORAL REEFER MUSIC; FOUR- )  
TEENTH HOUR MUSIC INC.; )  
SPRINGTIME MUSIC, INC.; EMI )  
VIRGIN SONGS, INC. d/b/a EMI )  
FULL NELSON MUSIC; FREDERICK )  
S. BIENSTOCK and HAMMERSTEIN )  
MUSIC & THEATRE COMPANY, )  
INC., a Connecticut )  
Partnership d/b/a EDWARD B. )  
MARKS MUSIC COMPANY; )  
DANDELION MUSIC CO., a )  
Division of JAMIE MUSIC )  
PUBLISHING CO.; PRONTO MUSIC, )  
a division of COTILLION )  
MUSIC, INC.; QUINON R. IVY )  
d/b/a QUINVY MUSIC PUBLISH- )  
ING CO.; WARNER-TAMERLANE )  
PUBLISHING CORP.; JEFF TROTT )  
d/b/a TROTTSKY MUSIC; SHERYL )  
SUZANNE CROW d/b/a OLD CROW )  
MUSIC; SONGS OF UNIVERSAL, )  
INC.; LISA ANNE LOEB, an )  
Individual d/b/a FURIOUS )  
ROSE MUSIC; JUAN P. PATINO, )  
an individual d/b/a JUAN )  
PATINO MUSIC PUBLISHING, )  
Plaintiffs, )  
v. )  
MARINA VIEW CORPORATION )  
d/b/a SKYLINE BAR & GRILL )  
and GRIMOALDO A. RUSCITO, )  
ANTONIO C. RUSCITO and )  
ANTHONY RUSCITO, each )  
individually, )  
Defendants. )  
-----X

CIVIL ACTION NO.:  
05 11845 RCL

**AFFIDAVIT OF JUDITH M. SAFFER**

STATE OF NEW YORK )  
                     ) ss:  
COUNTY OF NEW YORK )

I, Judith M. Saffer, being sworn, says:

1. I am Assistant General Counsel of Plaintiff BROADCAST MUSIC, INC. ("BMI"). I am familiar with the facts and circumstances in this matter as well as BMI's structure and operation. This Affidavit is submitted in support of Plaintiffs' Motion for Summary Judgment.

2. Through agreements with copyright owners such as music publishing companies and composers, BMI acquires non-exclusive public performance rights. BMI has acquired such rights from each of the other Plaintiffs in this action. BMI, in turn, grants to music users such as broadcasters and the owners and operators of concert halls, restaurants, nightclubs and hotels, the right to publicly perform any of the works in BMI's repertoire by means of "blanket license agreements".

3. BMI operates as a non-profit making music performing rights organization. It distributes all of its income, after deducting operating expenses and reasonable reserves, to its affiliated songwriters and music publishers, which include the other Plaintiffs in this action.

4. The complaint in this action alleges multiple claims of copyright infringement of certain musical compositions licensed by

BMI, the copyrights of which are owned by the other Plaintiffs, arising out of unauthorized public performances of those musical works. Each of the musical compositions listed on line 2 of the Schedule of Plaintiffs' Complaint was registered with the Copyright Office on the date listed on line 5. A registration certificate bearing the number listed on line 6 was issued by the Copyright Office to the Plaintiff listed on line 4 or a predecessor in interest. Because the documentation of post-registration renewals and transfers for all of these compositions are voluminous, and because defendants have admitted the ownership of copyright by plaintiffs, I have not attached such documentation to this Affidavit. I have however delivered it to our litigation counsel, William S. Strong and Amy C. Mainelli, so that it will be readily available to the Court for inspection should the Court so desire.

5. On or before the date listed on line 7 of the Schedule, BMI had been granted, by the other Plaintiffs, the right to publicly perform these compositions and to issue public performance license agreements to music users. These licenses permit music users to perform any of the over 4.5 million musical compositions in the BMI repertoire. In addition, BMI has been granted by the other Plaintiffs the right to maintain actions for infringement of the public performance rights in their musical compositions and to seek damages for such infringement.

6. A copy of Plaintiffs' First Request for Admissions to which there was no response is attached as Exhibit A.

Pursuant 28 U.S.C. §1746, I declare under penalty of perjury,  
that the foregoing is true and correct.

Date: July 26, 2006.

/s/ Judith M. Saffer  
JUDITH M. SAFFER

**UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS**

BROADCAST MUSIC, INC.; )  
UNIVERSAL-SONGS OF POLYGRAM )  
INTERNATIONAL, INC.; )  
SONY/ATV SONGS LLC d/b/a SONY/ATV )  
TREE PUBLISHING; DYNATONE PUBLISHING )  
COMPANY; RONDOR MUSIC )  
INTERNATIONAL, INC. d/b/a IRVING MUSIC; )  
JAMES WILLIAM BUFFETT a/k/a JIMMY )  
BUFFETT, an individual d/b/a CORAL REEFER )  
MUSIC; FOUR- TEENTH HOUR MUSIC INC.; )  
SPRINGTIME MUSIC, INC.; EMI VIRGIN )  
SONGS, INC. d/b/a EMI FULL NELSON MUSIC; )  
FREDERICK S. BIENSTOCK and )  
HAMMERSTEIN MUSIC & THEATRE )  
COMPANY, INC., a Connecticut Partnership d/b/a )  
EDWARD B.MARKS MUSIC COMPANY; )  
DANDELION MUSIC CO., A Division of )  
JAMIE MUSIC PUBLISHING CO.; PRONTO )  
MUSIC, a division of COTILLION MUSIC, INC.; )  
QUINON R. IVY d/b/a QUINVY MUSIC )  
PUBLISHING CO.; WARNER-TAMERLANE )  
PUBLISHING CORP.; JEFF TROTT d/b/a )  
TROTTSKY MUSIC; SHERYL SUZANNE )  
CROW d/b/a OLD CROW MUSIC; SONGS OF )  
UNIVERSAL, INC.; LISA ANNE LOEB, )  
an Individual d/b/a FURIOUS ROSE MUSIC; )  
JUAN P. PATINO, an individual d/b/a )  
JUAN PATINO MUSIC PUBLISHING, )  
Plaintiffs, )  
v. ) Civil Action No.: 05 11845 RCL  
MARINA VIEW CORPORATION d/b/a )  
SKYLINE BAR & GRILL, )  
GRIMOALDO A. RUSCITO, )  
ANTONIO C. RUSCITO and )  
ANTHONY RUSCITO, each individually, )  
Defendants. )

**PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS TO DEFENDANTS**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Local Rule 36.1, Plaintiffs request Defendants, within thirty (30) days after service of this request, to admit the truth, for purposes of this action only, of each of the statements set forth below. If Defendants fail to admit the truth of any matter as requested, and if Plaintiffs must therefore prove the truth of the matter, Plaintiffs will apply to the court for an order requiring Defendants to pay Plaintiffs the reasonable expenses incurred in making the proof, including reasonable attorney's fees, pursuant to Rule 37(c) of the Federal Rules of Civil Procedure.

**DEFINITIONS**

A. "Skyline Bar & Grill" shall mean the establishment known as Skyline Bar & Grill located at 305 Victory Road, Quincy, Massachusetts 02171.

B. "Defendants" refers to each and all of the named Defendants, Marina View Corporation d/b/a Skyline Bar & Grill, Grimoaldo A. Ruscito, Antonio C. Ruscito, and Anthony Ruscito, each individually, as well as any of their respective employees, agents, counsel, associates, accountants, servants, assignees, heirs, personal representatives, and all other persons or entities acting or purporting to act on their behalf in this action.

C. "You" and "your" refer not only to Defendants jointly and severally, but to any of their employees, agents, counsel, associates, accountants, servants, assignees, personal representatives, and all other persons or entities acting or purporting to act on their behalf.

D. Words used in the plural shall also be interpreted to include the singular, and words used in the singular shall also be interpreted to include the plural. The terms "or" and

"and" shall be interpreted either conjunctively or disjunctively. Words in any gender shall be interpreted to include any other gender as appropriate.

**Requests for Admissions**

1. On the evening of April 13, 2005 and the early morning of April 14, 2005, Defendant Marina View Corporation operated and maintained an establishment known as Skyline Bar & Grill, located at 305 Victory Road, Quincy, Massachusetts 02171.

2. On the evening of April 13, 2005 and the early morning of April 14, 2005, Defendant Grimoaldo A. Ruscito operated and maintained an establishment known as Skyline Bar & Grill, located at 305 Victory Road, Quincy, Massachusetts 02171.

3. On the evening of April 13, 2005 and the early morning of April 14, 2005, Defendant Antonio C. Ruscito operated and maintained an establishment known as Skyline Bar & Grill, located at 305 Victory Road, Quincy, Massachusetts 02171.

4. On the evening of April 13, 2005 and the early morning of April 14, 2005, Defendant Anthony Ruscito operated and maintained an establishment known as Skyline Bar & Grill, located at 305 Victory Road, Quincy, Massachusetts 02171.

5. On the evening of April 13, 2005 and the early morning of April 14, 2005, Defendant Marina View Corporation had a direct financial interest in Skyline Bar & Grill.

6. On the evening of April 13, 2005 and the early morning of April 14, 2005, Defendant Marina View Corporation had the right and ability to direct and control the activities of Skyline Bar & Grill, including but not limited to the provision of musical entertainment to the patrons of such establishment.

7. On the evening of April 13, 2005 and the early morning of April 14, 2005, Skyline Bar & Grill was open to the public.

8. Musical entertainment was provided at Skyline Bar & Grill on each of the following dates, by persons acting under an express or implied contract with Defendant Marina View Corporation:

- a. The evening of April 13, 2005, and
- b. The early morning of April 14, 2005.

9. On each of the dates identified in Interrogatory 8, Defendant Grimoaldo A. Ruscito:

- a. had the right and ability to direct and control the activities of Skyline Bar & Grill, including but not limited to the provision of musical entertainment to the patrons of such establishment, and
- b. had a direct financial interest in Skyline Bar & Grill.

10. On each of the dates identified in Interrogatory 8, Defendant Antonio C. Ruscito:

- a. had the right and ability to direct and control the activities of Skyline Bar & Grill, including but not limited to the provision of musical entertainment to the patrons of such establishment, and
- b. had a direct financial interest in Skyline Bar & Grill.

11. On each of the dates identified in Interrogatory 8, Defendant Anthony Ruscito:

- a. had the right and ability to direct and control the activities of Skyline Bar & Grill, including but not limited to the provision of musical entertainment to the patrons of such establishment, and
- b. had a direct financial interest in Skyline Bar & Grill.

12. On the evening of April 13, 2005 and the early morning of April 14, 2005, musical compositions were publicly performed at Skyline Bar & Grill.

13. On the evening of April 13, 2005, at Skyline Bar & Grill,

- a. the musical composition "Get Up I Feel Like Being Like A Sex Machine a/k/a Get Up I Feel Like Being A Sex Machine" was performed without authorization from any copyright owner or Plaintiff Broadcast Music, Inc. ("BMI");
  - b. the musical composition "Margaritaville" was performed without authorization from any copyright owner or BMI;
  - c. the musical composition "Mustang Sally" was performed without authorization from any copyright owner or BMI;
  - d. the musical composition "On The Road Again" was performed without authorization from any copyright owner or BMI;
  - e. the musical composition "Paradise By The Dashboard Light" was performed without authorization from any copyright owner or BMI;
  - f. the musical composition "When A Man Loves A Woman" was performed without authorization from any copyright owner or BMI;
  - g. the musical composition "If It Makes You Happy" was performed without authorization from any copyright owner or BMI; and
  - h. the musical composition "Let's Forget About It" was performed without authorization from any copyright owner or BMI.
14. On the early morning of April 14, 2005, at Skyline Bar & Grill,
- a. the musical composition "Brown Eyed Girl" was performed without authorization from any copyright owner or Plaintiff Broadcast Music, Inc. ("BMI");
  - b. the musical composition "Crazy" was performed without authorization from

any copyright owner or BMI;

- c. the musical composition "Joy to the World" was performed without authorization from any copyright owner or BMI; and
- d. the musical composition "She's Some Kind Of Wonderful a/k/a Some Kind Of Wonderful" was performed without authorization from any copyright owner or BMI.

15. With respect to each of the musical compositions identified above: the Defendants have no evidence tending to refute that on the corresponding date identified above such composition was performed at Skyline Bar & Grill without authorization by a copyright owner or BMI.

15. The individual(s) listed on line 3 of each claim appearing on Schedule A to the Complaint (hereinafter "Schedule A") wrote the musical compositions listed on line 2 of such claim.

16. The Defendants have no evidence that the individual(s) listed on line 3 of each claim appearing on Schedule A did not write the musical composition listed on line 2 of such claim.

17. The Plaintiffs listed on line 4 of each claim appearing on Schedule A is/are the owner(s) of the copyright in the musical composition listed on line 2.

18. The Defendants have no evidence that the Plaintiffs listed on line 4 of each claim appearing on Schedule A is/are not the owner(s) of copyrights in the musical composition listed on line 2.

19. Copyright in each of the musical compositions listed on Schedule A was registered with the United States Copyright Office on the date listed on line 5 on Schedule A and a certificate was issued bearing the registration number listed on line 6.

20. Defendants have no evidence that copyright in each of the musical compositions listed on Schedule A was not registered with the United States Copyright Office on the date listed on

line 5 on Schedule A and that a certificate was issued bearing the registration number on line 6.

21. On the date(s) listed on line 7 of each claim appearing on Schedule A, licensing for the public performance of the musical composition relevant to such claim was available from BMI.

22. The Defendants have no evidence that on the date(s) listed on line 7 of each claim appearing on Schedule A, licensing for the public performance of the musical composition relevant to such claim was not available from BMI.

23. Between February 16, 2004 and July 20, 2005, Plaintiff BMI offered to grant a license for public performances of musical compositions at Skyline Bar & Grill. (Note: such request shall not be construed as a representation by the Plaintiffs that offers were not outstanding at other times not identified herein.)

24. On the evening of April 13, 2005 and the early morning of April 14, 2005 the Defendants were not licensed by any of the Plaintiffs to publicly perform any of their musical compositions at Skyline Bar & Grill.

25. Plaintiff BMI sent to Defendant Marina View Corporation or the employees or agents thereof, during the period February 16, 2004 through July 20, 2005, each and all of those letters (and their respective enclosures) of which copies are attached hereto as Exhibits 1-23, by the respective method (first class mail, or DHL, as the case may be) indicated on the letter or related card, delivery log, or other document included in the Exhibit pertaining thereto. (Note: Such request shall not be construed as a representation by the Plaintiffs that such Exhibits represent the only letters sent by them to the Defendants.)

26. Defendants have no evidence that they did not receive each and all of such letters and enclosures.

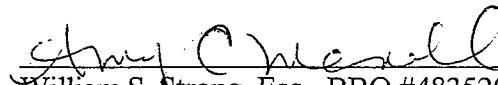
27. Exhibits 1- 23 to these Requests for Admissions are true and correct copies of such

letters and enclosures.

Date: February 22, 2006

BROADCAST MUSIC, INC., et al,  
Plaintiffs,

By their attorneys,

  
William S. Strong, Esq., BBO #483520  
Amy C. Mainelli, Esq., BBO #657201  
KOTIN, CRABTREE & STRONG, LLP  
One Bowdoin Square  
Boston, Massachusetts 02114  
Tel: (617) 227-7031  
Fax: (617) 367-2988

**Certificate of Service**

I HEREBY CERTIFY that I caused a copy of the foregoing to served upon counsel for Defendants by U.S. Mail, first-class postage prepaid, on this 22 day of February, 2006.

  
Amy C. Mainelli



February 16, 2004

Anthony Ruscito  
 Skyline  
 305 Victory Road  
 Marina Bay MA 02171

Dear Mr. Ruscito:

There are many licenses you must obtain when operating a business. One that you may not know about is the license you must secure from songwriters, composers, and publishers to perform their music publicly under the United States copyright law.

As a businessperson using music to enhance the atmosphere in your restaurant or nightclub, you'll realize that obtaining individual licenses to perform every song you use would be an expensive and time-consuming process.

Representing more than 1 out of every 2 songs performed on American radio today, BMI is the largest, non-profit making organization recognized under the U.S. copyright law to license the public performances of musical works. BMI can grant you the right to publicly perform the music of more than 300,000 songwriters, composers, and publishers through one simplified agreement and one annual fee. Over eighty-three cents of every dollar of your fee goes directly to the BMI songwriters, composers, and publishers whose music you are performing.

Our BMI Music License was designed with input from your industry associations and actual customers to fit the way you use music in your business. By basing our fee structure on the intensity and frequency of your music use, you are guaranteed to only pay for the music you play.

We've enclosed a new BMI Music License for your review along with a brochure written by the Better Business Bureau that describes how BMI can assist you in obtaining legal access to the more than 6.5 million musical works in the BMI repertoire. Once you've had a chance to review the agreement, please sign and return it in the envelope provided.

If we receive your payment with your signed music license within 30 days, you will receive a 10% discount off your annual fee. In addition, some state or national trade associations have discount agreements with BMI. Contact your association to see if you qualify for one association discount only.

If you have questions, please call BMI at 1-888-689-5264, 9 a.m. to 5 p.m. (Central Time) Monday through Friday. For a list of all of the BMI affiliated songwriters, composers, and publishers and the music included under this agreement, please visit our World Wide Web site on the Internet at <http://www.bmi.com>.

Sincerely,

A handwritten signature in black ink that reads "Michele A. Reynolds".

Michele A. Reynolds  
 Assistant Vice President  
 General Licensing

Enclosures: EDE Music License 02/04, BRE, BBB  
 Premise State: MA





February 26, 2004

Donald Orkin  
Skyline  
Donald Orkin  
114 Page Ste 7  
Stoughton MA 02027

Dear Mr. Orkin:

Enclosed is the information regarding music licensing that you requested for your attorney's review.

To summarize so that you better understand your responsibilities as a business owner who uses music, U.S. Copyright Law (Title 17, U.S. Code) grants the creators of music exclusive performing rights and requires anyone using copyrighted music in a public place to obtain permission of the copyright holders. In all, BMI represents the performing rights of more than 300,000 songwriters, composers and publishers. Through music performance agreements, we grant music users blanket permission to use the more than 6.5 million songs in our repertoire.

I'm sure that once your attorney has read these materials and reviewed BMI's license, he or she will be happy to clarify your obligations as a business owner who uses music.

If you have any questions, please feel free to call BMI at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Williams".

Marsha Williams  
Senior Director  
General Licensing

Enclosures: EDE Music License; Legal Aspects, BBB, BRE  
3323115502596/02/04/Premise State: MA





April 16, 2004

Donald Orkin  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

Dear Mr. Orkin:

Enclosed is the information regarding music licensing that you requested for your attorney's review.

To summarize so that you better understand your responsibilities as a business owner who uses music, U.S. Copyright Law (Title 17, U.S. Code) grants the creators of music exclusive performing rights and requires anyone using copyrighted music in a public place to obtain permission of the copyright holders. In all, BMI represents the performing rights of more than 300,000 songwriters, composers and publishers. Through music performance agreements, we grant music users blanket permission to use the more than 6.5 million songs in our repertoire.

I'm sure that once your attorney has read these materials and reviewed BMI's license, he or she will be happy to clarify your obligations as a business owner who uses music.

If you have any questions, please feel free to call BMI at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Williams".

Marsha Williams  
Senior Director  
General Licensing

Enclosures: EDE Music License, Legal Aspects, BBB, BRE  
3323115502596/ 02/04/Premise State: MA





April 28, 2004

Donald Orkin  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

Dear Mr. Orkin:

After repeated efforts to resolve this matter by phone, I recently visited your establishment to speak with you personally about licensing the BMI music that is used in your establishment. Though you were not available, I was able to reaffirm your need for a license and subsequently left a BMI Music License for your completion. I anticipated that the agreement would be returned with the appropriate payment.

The purpose of this follow up letter is to make it clear that we need to bring closure to this very important issue now. Please complete and return the License Agreement, along with your fee, in the enclosed postage paid envelope. If you have any questions about BMI or licensing the performances of copyrighted music under the U.S. copyright law, please contact me at 1-888-689-5264.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, which appears to read "Scot Whitaker".

Scot Whitaker  
Licensing Executive  
General Licensing

Enclosures: EDE Music License, BRE  
3323115502596/02/04/Premise, State: MA





May 12, 2004

Anthony Ruscito  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

Dear Mr. Ruscito:

Enclosed is the information regarding music licensing that you requested for your attorney's review.

To summarize so that you better understand your responsibilities as a business owner who uses music, U.S. Copyright Law (Title 17, U.S. Code) grants the creators of music exclusive performing rights and requires anyone using copyrighted music in a public place to obtain permission of the copyright holders. In all, BMI represents the performing rights of more than 300,000 songwriters, composers and publishers. Through music performance agreements, we grant music users blanket permission to use the more than 6.5 million songs in our repertoire.

I'm sure that once your attorney has read these materials and reviewed BMI's license, he or she will be happy to clarify your obligations as a business owner who uses music.

If you have any questions, please feel free to call BMI at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Williams".

Marsha Williams  
Senior Director  
General Licensing

Enclosures: EDE Music License, Legal Aspects, BBB, BRE  
3323115502596/02/04/Premise State: MA





May 21, 2004

Anthony Ruscito  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

## Why Should You Sign The Enclosed Music License?

- BMI represents more than 300,000 copyright owners. Our songwriters and composers are essentially small business owners. They write the music you use in your business;
- A BMI Music License provides your business with copyright clearance from these songwriters and composers, as well as their publishers, as required by U.S. copyright law. This saves you the time and expense of securing permission from every copyright owner yourself;
- A BMI Music License provides you access to an award-winning catalog of more than 6.5 million musical works (roughly half of all the music performed in America) in all styles of music through just one agreement;
- BMI operates on a non-profit basis distributing all music licensing fees, less operating expenses, back to our affiliated copyright owners. Currently, eighty-four cents out of every dollar of your music licensing fee is paid to our affiliated songwriters, composers, and music publishers;
- Licensing is the right thing to do. Otherwise, you will be using someone else's property without their permission.

## 2 Important Facts You Should Know About Songwriters

- Many times the creator of the work is different than the artist performing the work and is not well known (For instance, did you know that Aaron Barker is the songwriter behind many of the songs George Strait performs?). An easy way to check this is to visit our list of songwriters and composers at [www.bmi.com](http://www.bmi.com). A BMI Music License ensures that the creator of the work will be paid.
- Most songwriters and composers work for years at writing songs before they make one dime and whatever they earn must cover years of unpaid hard work.

For more information about music licensing and copyright clearance, you may also find the following sites helpful: (1) Better Business Bureau – <http://www.bbb.org> (2) United States Copyright Office - <http://www.copyright.gov> (BMI is recognized in Title 17 as a performing right organization under Section 101 Definitions: Performing Rights Societies).

Please call BMI at (888) 689-5264 if you have any questions.

3323115502596/



10 Music Square East, Nashville, Tennessee 37203-4399

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(888) 689-5264

Fax: (615) 401-2829

BRIDGE.doc



August 5, 2004

Anthony Ruscito Jr.  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

Dear Mr. Ruscito Jr.:

In recent weeks we have made numerous attempts to contact you concerning your rights and responsibilities as someone who plays BMI copyrighted music in a business. Unfortunately, we have been unable to reach an agreement regarding licensing your business.

Please understand, the U.S. Copyright Law recognizes music as the property of its creator(s) and grants them the exclusive right to perform their music in public (such as in a business). Anyone else wishing to play music in a business must first receive permission from the music's owners. As a performing rights organization, BMI serves as a representative of more than 300,000 songwriters, composers and publishers. We grant businesses legal access to more than 6.5 million musical works through a single music performance agreement.

BMI strives to work with those who play music in their business and to make it easy for them to comply with the law. However, we are dedicated to protecting the rights of our affiliates.

To resolve this matter quickly, please return the completed BMI Music Performance Agreement, with the appropriate remittance, in the postage-paid envelope provided. If you have any questions, please contact BMI at 1-888-689-5264 9 a.m. to 5 p.m. (Central Time), Monday through Friday.

Sincerely,

A handwritten signature in black ink, appearing to read "Marsha Williams".

Marsha Williams  
Senior Director  
General Licensing

Enclosures: EDE Music License, BRE  
3323115502596/02/04/Premise State: MA





September 17, 2004

Anthony Ruscito Jr.  
Skyline  
Donald Orkin  
378 Page ST Ste 14  
Stoughton MA 02072

Dear Mr. Ruscito Jr.:

After repeated efforts to resolve this matter by phone, I recently visited your establishment to speak with you personally about licensing the BMI music that is used in your establishment. Though you were not available, I was able to reaffirm your need for a license and subsequently left a BMI Music License for your completion. I anticipated that the agreement would be returned with the appropriate payment.

The purpose of this follow up letter is to make it clear that we need to bring closure to this very important issue now. Please complete and return the License Agreement, along with your fee, in the enclosed postage paid envelope. If you have any questions about BMI or licensing the performances of copyrighted music under the U.S. copyright law, please contact me at 1-888-689-5264.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scot Whitaker".

Scot Whitaker  
Licensing Executive  
General Licensing

Enclosures: EDE Music License, BRE  
3323115502596/02/04/Premise State: MA



10 Music Square East, Nashville, Tennessee 37203-4399  
© BMI and the Musicstand symbol are registered trademarks of Broadcast Music, Inc.

(888) 689-5264

Fax: (615) 401-2829

ODEDLFTY.doc



September 27, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay MA 02171

Dear Mr. Ruscito Jr.:

I'm the Licensing Executive at BMI assigned to helping you with your music licensing needs. While I'm happy to provide you with my services and offer any assistance, I have been unable to elicit your cooperation in resolving this matter. Unfortunately, this must be my last attempt to do so.

You can easily meet your obligations under the U.S. copyright law by signing the enclosed BMI Music License designed specifically for Eating & Drinking Establishments. The fee structure of this new license assures you that you will only pay for the BMI music you play. Before turning down this offer, please remember that this is how songwriters earn their living and without the expressed written consent of the copyright owners, continued performance of BMI music is unauthorized.

This matter should receive your immediate attention. I urge you to complete, sign and return the enclosed BMI Music License today, along with the appropriate payment.

This is my last contact with you before I turn your file over to my supervisor for review. Should you still have questions regarding this matter, please contact me at 1-888-689-5264.

Sincerely,

A handwritten signature in black ink, appearing to read "Scot Whitaker".

Scot Whitaker  
Licensing Executive  
General Licensing

Enclosures: EDE Music License, BRE  
3323115502596/02/04/Premise State: MA





October 5, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay MA 02171

RE: Skyline  
BMI Music License

Dear Mr. Ruscito Jr.:

Your file has come to my attention for review.

I note that our office has a long history of repeated contact with you regarding the necessity of signing a BMI Music License. In correspondence directed to you on numerous occasions, the need for such a license was clearly stated and every effort has been made to resolve the matter amicably, but without success.

I also note from your file that you have been contacted on more than one occasion by a representative of BMI. In spite of our efforts, however, we have still not received the license from you nor any explanation for the delay.

The choice is now entirely up to you. If we are still without the completed license (enclosed), after 15 days from the date of this letter, I will be forced to consider whatever action appropriate to protect the interests of our songwriters, composers, and publishers.

Please feel free to contact me at this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cleve Murphy".

Cleve Murphy  
Assistant Vice President  
General Licensing

Enclosures: EDE Music License, BRE  
3323115502596/02/04/Premise State: MA





November 3, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay MA 02171

Re: Music License

Dear Mr. Ruscito Jr.:

Several weeks ago BMI sent a letter to you informing you of your need to sign and return BMI's Music License.

The purpose of this follow-up letter is to make it clear to you that we need to address this matter now. Please use the self-addressed envelope to return the enclosed License Agreement along with the appropriate annual fee.

If you have made the decision not to sign and return the enclosed Agreement, please complete and return the form below. Your response will help us bring closure to this very important matter.

Please be assured of our commitment to our affiliates and that the continued use of BMI licensed music without permission will leave me no alternative other than to refer this matter to our attorneys. If you have any questions, please call me at 1-800-925-8451.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Bird".

William Bird  
Director  
General Licensing

Enclosures: EDE1 Music License, Legal Aspects, BRE  
02/04/Premise State: MA

=====

Re: Ruscito Equity Corp Account ID#: 3323115502596

- I have decided not to sign BMI's Music License.  
 I have already signed and returned BMI's License.

Signature

Date





Lawrence E. Stevens  
Assistant Vice President  
General Licensing

November 24, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay, MA 02171

Re: Ruscito Equity Corporation

Dear Mr. Ruscito Jr.:

I note that BMI has been contacting you for some time regarding the necessity of signing a BMI Music License for your establishment(s). In correspondence and phone calls directed to you on numerous occasions, the need for such a License was clearly stated. Every effort has been made to resolve the matter amicably, but without success.

On November 3, 2004, a letter was mailed to your attention along with a License reflecting your music usage fee of \$2,156.00 for the period of 02/01/2004 to 01/31/2005 only. This fee does not include all other unlicensed periods in which you were using music.

Copyright Infringement is a serious offense. It is imperative that you give this your immediate attention. I have again enclosed a BMI Music License. Your failure to complete, sign and return the License along with the total remittance due within five (5) days, will leave me no alternative other than to refer this matter to our attorneys.

Should you have any questions, please call 1-800-925-8451.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens  
Assistant Vice President  
General Licensing

Enclosure: EDEL Music License, BRE  
3323115502596/Premise State: MA





December 16, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay MA 02171

DHL

Dear Mr. Ruscito Jr.:

I am an attorney in BMI's licensing department. Your business or organization is not currently licensed to publicly perform music from the BMI repertoire. BMI operates on a non-profit basis and represents songwriters, composers and publishers. It is part of our responsibility in that regard to protect their copyrighted works from unlawful use without appropriate authorization. Your BMI representative has contacted your business or organization several times in an effort to secure a license. As of today, our records indicate that we have not received your signed agreement. If you have already returned your signed BMI license, or otherwise secured permission to perform BMI affiliated music, please contact this office immediately at 1-877-264-2138.

We are enclosing another License Agreement for your completion and signature. If you have questions or need assistance completing this document, please call me.

If we do not receive a completed license agreement, or a response to this letter indicating that you have otherwise licensed your BMI music, you should discontinue the public performance of music in the BMI repertory. This is to advise you that any unlicensed performance of BMI-affiliated music may result in substantial damages under the Federal Copyright Law.

Sincerely,

A handwritten signature in black ink, appearing to read "William Grothe".

William Grothe  
Senior Director  
General Licensing

Enclosures: EDE1 Music License, Legal Aspects, BRE  
/3323115502596/Premise State: MA



**DHL**

Ship Track Transit Times Rates Pickups Locations Suppl

By Number By Reference By Email Signature P.O.D. DHL Same Day Service

► LOGIN ► REGISTER  
► Customer Service  
► Domestic Services  
► International Services  
► Small Business Center  
► Technical Tools  
► About DHL

### TRACKING RESULTS: DETAIL

Tracking Number: 16646619275

---

**Shipment Summary:**

|                 |                     |
|-----------------|---------------------|
| Current Status: | Shipment delivered: |
| Delivered on:   | 12/20/04 1:06 pm    |
| Delivered to:   | Residence Door      |
| Signed for by:  | LD FD -305 VIC      |

---

**Shipment History:**

| DATE     | TIME    | ACTIVITY AND COMMENTS                    | LOCATION |
|----------|---------|--|----------|
| 12/20/04 | 1:06 pm | Shipment delivered.<br>Picked Up by DHL. |          |

---

**Shipper:**  
B M I  
Nashville, TN 37203  
United States

**Receiver:**  
SKYLINE  
Marina Bay, MA 02171  
United States

---

**Shipment Detail:**

|          |                |                      |                |
|----------|----------------|----------------------|----------------|
| Service: | <u>2nd day</u> | Ship Type:           | Letter Express |
| Special: |                | Description:         |                |
| Weight:  | 1              | Shipper's Reference: | 31             |
| Pieces:  | 1              |                      |                |

---

- ♦ Tracking detail provided by DHL: 3/15/2005, 8:19:14 am pt.
- ♦ For assistance, please [contact us](#).
- ♦ You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to use of DHL tracking systems and information is strictly prohibited.



December 27, 2004

Anthony Ruscito Jr.  
Skyline  
305 Victory Road  
Marina Bay, MA 02171

DHL

Dear Mr. Ruscito Jr.:

As you have not responded to our correspondence and in the absence of a license agreement with BMI, this shall serve as formal notice to you that effective this date, you must cease all use of BMI licensed music in your business or organization. The continued use of music in the BMI repertoire without authorization will result in copyright infringement. Copyright infringement is a violation of federal law. Copyright infringement may subject you to substantial damages. BMI is prepared to take whatever action may be necessary to protect the right of its composers and publishers. Refer any questions regarding this matter to (888) 689-5264.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens  
Assistant Vice President  
General Licensing

LS /EDE1



**DHL**

Ship Track Transit Times Rates Pickups Locations Supplier

By Number By Reference By Email Signature P.O.D. DHL Same Day Service

► LOGIN ► REGISTER  
Customer Services  
Domestic Services  
International Services  
Small Business Center  
Technology Tools  
About DHL

### TRACKING RESULTS: DETAIL

Tracking Number: 16646670272

**Shipment Summary:**

|                 |                     |
|-----------------|---------------------|
| Current Status: | Shipment delivered. |
| Delivered on:   | 12/29/04 11:40 am   |
| Delivered to:   | Receptionist        |
| Signed for by:  | C MCKAY             |

[Get Details](#)

**Shipment History:**

| DATE     | TIME     | ACTIVITY AND COMMENTS                    | LOCATION |
|----------|----------|--|----------|
| 12/29/04 | 11:40 am | Shipment delivered.<br>Picked Up by DHL. |          |

**Shipper:**  
B M I  
Nashville, TN 37203  
United States

**Receiver:**  
SKYLINE  
Marina Bay, MA 02171  
United States

**Shipment Detail:**

|          |                |                      |         |
|----------|----------------|----------------------|---------|
| Service: | <u>2nd day</u> | Ship Type:           | Package |
| Special: |                | Description:         |         |
| Weight:  | 1              | Shipper's Reference: | 31      |
| Pieces:  | 1              |                      |         |

[New Search](#) [Get Signature P.O.D.](#)

- ♦ Tracking detail provided by DHL: 3/15/2005, 8:21:37 am pt.
- ♦ For assistance, please [contact us](#).
- ♦ You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to DHL. Use of DHL tracking systems and information is strictly prohibited.



Lawrence E. Stevens  
Assistant Vice President  
General Licensing

March 2, 2005

Anthony Ruscito Sr.  
Skyline Bar and Grill  
305 Victory Road  
North Quincy, MA 02171

RE: Skyline Bar and Grill

Dear Mr. Ruscito Sr.:

This is to notify you that the cease and desist order sent to you by BMI remains in full force and effect.

Since we have not received the license from you that would legally allow the performances of copyrighted compositions in your business or organization, we must proceed in efforts to protect the rights of our more than 300,000 writers and publishers. However, this can be avoided by contacting this office immediately.

Violations of the copyright law are expensive. Damages for infringement of at least \$750 per song, which can be significantly increased by the courts, are set forth in Title 17 of the United States Code (Copyright Law).

If you have any questions regarding this important matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens". The signature is fluid and cursive, with a prominent 'L' at the beginning.

Lawrence E. Stevens

3323115502596/BB





May 26, 2005

Grimaldo A. Ruscito  
Skyline Bar and Grille  
305 Victory Road  
Quincy, MA 02171

VIA DHL

RE: Music License

Dear Mr. Ruscito:

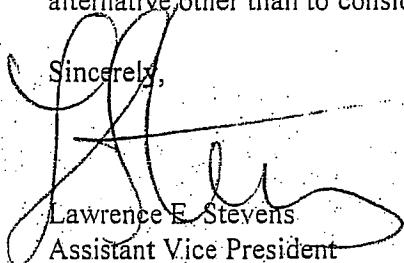
I am providing you with a copy of all of the pertinent letters sent to your establishment, and a BMI License. We remain ready to furnish you a license at fair rates.

I am also enclosing the following brochures: the Better Business Bureau's Music in the Marketplace, Music use in Eating and Drinking Establishments Q&A, and The Legal Aspects of Performing Copyrighted Music.

You may still obtain necessary permission to perform BMI licensed music by completing, signing and returning the enclosed license agreement form together with payment of fee within five days of receipt of this letter.

Your failure to return the signed agreement within the stated time will leave us with no alternative other than to consider whatever action appropriate for the protection of our rights.

Sincerely,

  
Lawrence E. Stevens  
Assistant Vice President  
General Licensing

Enclosures: MPA, BRE, BBB, EDE Q&A, Legal Aspects, Letters dated: 2/16/04, 2/26/04, 4/16/04, 4/28/04, 5/12/04, 5/21/04, 8/5/04, 9/17/04, 9/27/04, 10/5/04, 11/3/04, 11/24/04, 12/16/04, 12/27/04, 3/2/05.

LS/dy

Conte



Ship Track Services About DHL Help

DHL USA Hom



## Track results detail

Tracking results detail for 26445893751

### Track

- ▶ Track by number
- ▶ Track by reference
- ▶ Get delivery signature
- ▶ Track DHL Same Day service

### Tracking summary

|                |   |                                |
|----------------|---|--------------------------------|
| Current Status | <input checked="" type="checkbox"/> Shipment delivered. | <a href="#">View Signature</a> |
| Delivered on   | 5/27/2005 11:00 am                                      |                                |
| Delivered to   | Receptionist  |                                |
| Signed for by  | E TWEETED   | <a href="#">What is this?</a>  |

### Log in to DHL

User ID

Password

Remember my User ID

[Log in](#)

▶ [Forgot your Password?](#)

### Tracking history

#### Date and Time

5/27/2005 11:00 am  
7:25 am  
5/26/2005 5:41 pm  
4:46 pm

#### Status

Shipment delivered.  
Arrived at DHL facility.  
Departing origin.  
Picked Up by DHL.

#### Location

Boston, MA  
Boston, MA  
Nashville, TN  
Shipper's Door

#### Ship From:

B M I  
Nashville, TN 37203  
United States

#### Ship To:

SKYLINE BAR AND GRILLE  
Quincy, MA 02171  
United States

#### Shipment Information:

Ship date: 5/26/2005  
Pieces: 1  
Total weight: 1 lb  
Ship Type: Letter Exp

#### Attention:

B M I

#### Attention:

SKYLINE BAR AND GRILLE

#### Shipment Reference:

Service: Next Day AM  
Special Service:  
Description:

Tracking detail provided by DHL: 5/31/2005, 8:02:17 am pt.

[Track new](#)

You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to [REDACTED]. Use of DHL tracking systems and information is strictly prohibited.

### New to DHL?

Registration is quick and easy. And as a registered user, you'll have access to services and tools to help you ship your packages easily and efficiently.

▶ [Register Now](#)

### Questions?

We're here to help!

▶ [Contact DHL](#)

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[Ship](#) [Track](#) [Services](#) [About DHL](#) [Help](#)[DHL USA Home](#)

## Delivery Signature Detail

[Track](#)

Tracking Delivery Signature details... Tracking Number 26445893751

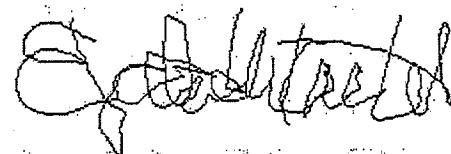
[Help](#)[New to DHL?](#)

- [► Track by number](#)
- [► Track by reference](#)
- [► Get delivery signature](#)
- [► Track DHL Same Day service](#)

Registration is  
And as a regist  
have access to  
tools to help yo  
packages easil  
[► Register Now](#)

[Log in to DHL](#)User ID Password  Remember my User ID[Log in](#) [► Forgot your Password?](#)

### Signature

**RECEIVED IN GOOD ORDER EXCEPT AS NOTED**

### Receiver Information

SKYLINE BAR AND GRILLE  
Quincy, MA 02171  
United States

Tracking detail provided by DHL: 5/31/2005 8:07:30 AM

[View Tracking Detail](#) [E-mail Delivery Signature](#) [Track new shipment](#)

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May 26, 2005

Anthony Ruscito Sr.  
Skyline Bar and Grille  
305 Victory Road  
Quincy, MA 02171

VIA DHL

RE: Music License

Dear Mr. Ruscito Sr.:

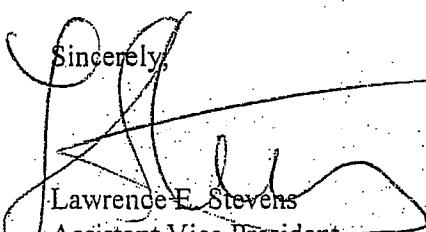
I am providing you with a copy of all of the pertinent letters sent to your establishment, and a BMI License. We remain ready to furnish you a license at fair rates.

I am also enclosing the following brochures: the Better Business Bureau's Music in the Marketplace, Music use in Eating and Drinking Establishments Q&A, and The Legal Aspects of Performing Copyrighted Music.

You may still obtain necessary permission to perform BMI licensed music by completing, signing and returning the enclosed license agreement form together with payment of fee within five days of receipt of this letter.

Your failure to return the signed agreement within the stated time will leave us with no alternative other than to consider whatever action appropriate for the protection of our rights.

Sincerely,

  
Lawrence E. Stevens  
Assistant Vice President  
General Licensing

Enclosures: MPA, BRE, BBB, EDE Q&A, Legal Aspects. Letters dated: 2/16/04, 2/26/04, 4/16/04, 4/28/04, 5/12/04, 5/21/04, 8/5/04, 9/17/04, 9/27/04, 10/5/04, 11/3/04, 11/24/04, 12/16/04, 12/27/04, 3/2/05.

LS/dy

Conte



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## Track results detail

### Tracking results detail for 26445943156

#### Track

- ▶ Track by number
- ▶ Track by reference
- ▶ Get delivery signature
- ▶ Track DHL Same Day service

#### Tracking summary

|                |                       |                                |
|----------------|-----------------------|--------------------------------|
| Current Status | ✓ Shipment delivered. | <a href="#">View Signature</a> |
| Delivered on   | 5/27/2005 11:00 am    |                                |
| Delivered to   | Receptionist          |                                |
| Signed for by  | E TWEETED             | <a href="#">What is this?</a>  |

#### Log in to DHL

User ID

Password

 Remember my User ID

[Log in](#)
[▶ Forgot your Password?](#)

#### Tracking history

| Date and Time  | Status   | Location  |
|--|--|---|
| 5/27/2005 11:00 am   | Shipment delivered.  | Boston, MA  |
| 7:25 am  | Arrived at DHL facility.   | Boston, MA  |
| 5/26/2005 5:41 pm  | Departing origin.  | Nashville, TN   |
| 4:46 pm  | Picked Up by DHL.  | Shipper's Door  |
| <b>Ship From:</b><br>B M I<br>Nashville, TN 37203<br>United States | <b>Ship To:</b><br>SKYLINE BAR AND GRILLE<br>Quincy, MA 02171<br>United States | <b>Shipment Information:</b><br>Ship date: 5/26/2005<br><b>Pieces:</b> 1<br><b>Total weight:</b> 1 lb<br><b>Ship Type:</b> Letter Exp |
| Attention:<br>B M I  | Attention:<br>SKYLINE BAR AND GRILLE   | <b>Shipment Reference:</b><br><b>Service:</b> Next Day AM<br><b>Special Service:</b><br><b>Description:</b>                           |

Tracking detail provided by DHL: 5/31/2005, 8:20:55 am pt.

[Track new](#)

You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to [redacted] use of DHL tracking systems and information is strictly prohibited.

#### New to DHL?

Registration is quick and easy. And as a registered user, you'll have access to services and tools to help you ship your packages easily and efficiently.

[▶ Register Now](#)

#### Questions?

We're here to help!  
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Conta



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## Delivery Signature Detail

### Track

- ▶ Track by number
- ▶ Track by reference
- ▶ Get delivery signature
- ▶ Track DHL Same Day service

### Log in to DHL

User ID

Password

 Remember my User ID[Forgot your Password?](#)

Tracking Delivery Signature details... Tracking Number 26445943156

[Help](#)[New to DHL?](#)

### Tracking summary

Current Status  Shipment Delivered

Delivered on 5/27/05 11:00 am

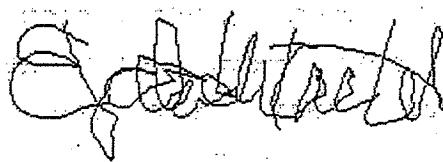
Delivered to Receptionist

Signed for by E TWEETED

[Help me with the signed by codes](#)

Registration is  
And as a regist  
have access to  
tools to help yo  
packages easil  
[Register Now](#)

### Signature

**RECEIVED IN GOOD ORDER EXCEPT AS NOTED**

### Receiver Information

SKYLINE BAR AND GRILLE

Quincy, MA 02171

United States

Tracking detail provided by DHL: 5/31/2005 8:21:19 AM

[View Tracking Detail](#)[E-mail Delivery Signature](#)[Track new shipment](#)

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Lawrence E. Stevens  
Assistant Vice President  
General Licensing

May 30, 2005

Grimoaldo A. Ruscito  
Skyline Bar and Grille  
305 Victory Road  
Quincy MA 02171

DHL

Re: Skyline Bar and Grille

Dear Mr. Ruscito:

This is to notify you that infringement of BMI copyright controlled music recently occurred in your establishment and was noted by our Music Researcher. Said infringement is in violation of the rights granted copyright owners under the copyright law of the United States. You had previously been advised that we would not permit the unauthorized use of the music we control within your establishment.

We have provided you with all the pertinent information and request that you obtain a license to permit the public performance of BMI copyrighted music in your establishment. We remain ready to furnish you a license at equitable rates. The fees below cover all unlicensed periods for your business. In addition to the license fees, Music Researcher fees have been incurred.

**PERIOD & FEE**

2/1/04 - 1/31/05 = \$2,562.00

2/1/05 - 1/31/06 = \$2,632.00

|                        |          |
|------------------------|----------|
| Music Researcher Costs | \$468.00 |
|------------------------|----------|

|        |            |
|--------|------------|
| TOTAL: | \$5,662.00 |
|--------|------------|

In order to resolve this issue at this time, the enclosed Music License Agreement must be completed, signed and returned along with a payment for all outstanding fees within 5 days from the date of this letter. Should you fail to return the completed and signed Agreement with full payment by that date, you will leave me with no alternative other than to refer this matter to our attorneys for whatever action they deem necessary.

Sincerely,

Lawrence E. Stevens

Encl: EDE1 MPA , Legal Aspects, WDYMLFG?, BRE  
3323115502596/DY/Premise State: MA



Contact



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DHL USA Home



## Track results detail

### Tracking results detail for 16647487570

#### Track

- Track by number
- Track by reference
- Get delivery signature
- Track DHL Same Day service

#### Tracking summary

|                |                       |                                |
|----------------|-----------------------|--------------------------------|
| Current Status | ✓ Shipment delivered. | <a href="#">View Signature</a> |
| Delivered on   | 6/2/2005 3:36 pm      |                                |
| Delivered to   | Receptionist          |                                |
| Signed for by  | R MCCAY               | <a href="#">What is this?</a>  |

#### Log in to DHL

User ID

Password

Remember my User ID

► [Forgot your Password?](#)

#### Tracking history

##### Date and Time

6/2/2005 3:36 pm  
8:10 am  
6/1/2005 11:35 pm  
5/31/2005 5:38 pm  
4:53 pm

##### Status

Shipment delivered.  
Arrived at DHL facility.  
Transit through sort facility.  
Departing origin.  
Picked Up by DHL.

##### Location

Boston, MA  
Boston, MA  
Wilmington, OH  
Nashville, TN  
Shipper's Door

##### Ship From:

B M I  
Nashville, TN 37203  
United States

##### Ship To:

SKYLINE BAR AND GRILLE  
Quincy, MA 02171  
United States

Shipment Information:  
Ship date: 5/31/2005  
Pieces: 1  
Total weight: 1 lb  
Ship Type: Letter Exp

##### Attention:

B M I

##### Attention:

SKYLINE BAR AND GRILLE

Shipment Reference:  
Service: 2nd day  
Special Service:  
Description:

Tracking detail provided by DHL: 6/2/2005, 2:26:34 pm pt.

[Track new](#)

You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to DHL. Use of DHL tracking systems and information is strictly prohibited.

#### New to DHL?

Registration is quick and easy. And as a registered user, you'll have access to services and tools to help you ship your packages easily and efficiently.

► [Register Now](#)

#### Questions?

We're here to help!  
► [Contact DHL](#)

Contact



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## Delivery Signature Detail

Track

Tracking Delivery Signature details... Tracking Number 16647487570

► Help

New to DHL?

- Track by number
- Track by reference
- Get delivery signature
- Track DHL Same Day service

### Tracking summary

Current Status  Shipment Delivered

Delivered on 6/2/05 3:36 pm

Delivered to Receptionist

Signed for by R MCCAY

Help me with the signed by codes

Registration is free.  
And as a registered user you have access to tools to help you track your packages easily.  
► Register Now

Log in to DHL

User ID

Password

Remember my User ID

Log in

► Forgot your Password?

### Signature



RECEIVED IN GOOD ORDER EXCEPT AS NOTED

### Receiver Information

Please retry later to obtain receiver information.

Tracking detail provided by DHL: 6/2/2005 2:26:57 PM

View Tracking Detail

E-mail Delivery Signature

Track new shipment

You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to DHL. Any other use of DHL tracking systems and information is strictly prohibited.

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**Lawrence E. Stevens**  
Assistant Vice President  
General Licensing

May 31, 2005

Anthony Ruscito Sr.  
Skyline Bar and Grille  
305 Victory Road  
Quincy MA 02171

DHL

Re: Skyline Bar and Grille

Dear Mr. Ruscito Sr.:

This is to notify you that infringement of BMI copyright controlled music recently occurred in your establishment and was noted by our Music Researcher. Said infringement is in violation of the rights granted copyright owners under the copyright law of the United States. You had previously been advised that we would not permit the unauthorized use of the music we control within your establishment.

We have provided you with all the pertinent information and request that you obtain a license to permit the public performance of BMI copyrighted music in your establishment. We remain ready to furnish you a license at equitable rates. The fees below cover all unlicensed periods for your business. In addition to the license fees, Music Researcher fees have been incurred.

**PERIOD & FEE**

2/1/04 - 1/31/05 = 2,562.00

2/1/05 - 1/31/06 = 2,632.00

|                        |          |
|------------------------|----------|
| Music Researcher Costs | \$468.00 |
|------------------------|----------|

|        |            |
|--------|------------|
| TOTAL: | \$5,662.00 |
|--------|------------|

In order to resolve this issue at this time, the enclosed Music License Agreement must be completed, signed and returned along with a payment for all outstanding fees within 5 days from the date of this letter. Should you fail to return the completed and signed Agreement with full payment by that date, you will leave me with no alternative other than to refer this matter to our attorneys for whatever action they deem necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens". The signature is fluid and cursive, with "Lawrence" on the first line and "E. Stevens" on the second line.

Lawrence E. Stevens

Encl: EDE1 MPA , Legal Aspects, WDYMLFG?, BRE  
3323115502596/dy/Premise State: MA



Conta



Ship

Track

Services

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## Track results detail

### Tracking results detail for 16647487673

#### Track

- ▶ Track by number
- ▶ Track by reference
- ▶ Get delivery signature
- ▶ Track DHL Same Day service

#### Tracking summary

|                |   |                                |
|----------------|---|--------------------------------|
| Current Status | <input checked="" type="checkbox"/> Shipment delivered. | <a href="#">View Signature</a> |
| Delivered on   | 6/2/2005 3:36 pm  |                                |
| Delivered to   | Receptionist  |                                |
| Signed for by  | R MCCAY   | <a href="#">What is this?</a>  |

#### Log in to DHL

User ID

Password

 Remember my User ID

[Log in](#)
[Forgot your Password?](#)

#### Tracking history

##### Date and Time

6/2/2005 3:36 pm  
8:02 am  
5/31/2005 5:38 pm  
4:53 pm

##### Ship From:

B M I  
Nashville, TN 37203  
United States

##### Attention:

B M I

##### Status

Shipment delivered.  
Arrived at DHL facility.  
Departing origin.  
Picked Up by DHL.

##### Ship To:

SKYLINE BAR AND GRILLE  
Quincy, MA 02171  
United States

##### Location

Boston, MA  
Boston, MA  
Nashville, TN  
Shipper's Door

**Shipment Information:**  
Ship date: 5/31/2005  
Pieces: 1  
Total weight: 1 lb  
Ship Type: Letter Exp

**Shipment Reference:**  
Service: 2nd day  
Special Service:  
Description:

Tracking detail provided by DHL: 6/2/2005, 2:28:22 pm pt.

[Track new](#)

You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to [REDACTED] use of DHL tracking systems and information is strictly prohibited.

#### New to DHL?

Registration is quick and easy. And as a registered user, you'll have access to services and tools to help you ship your packages easily and efficiently.

[▶ Register Now](#)

#### Questions?

We're here to help!  
[▶ Contact DHL](#)

Conta



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DHL USA Hom



## Delivery Signature Detail

[Track](#)

Tracking Delivery Signature details... Tracking Number 16647487673

[Help](#)[New to DHL?](#)

- ▶ Track by number
- ▶ Track by reference
- ▶ [Get delivery signature](#)
- ▶ Track DHL Same Day service

### Tracking summary

|                |  |
|----------------|--|
| Current Status | <input checked="" type="checkbox"/> Shipment Delivered |
| Delivered on   | 6/2/05 3:36 pm   |
| Delivered to   | Receptionist   |
| Signed for by  | R MCCAY  |

Registration is  
And as a regist  
have access to  
tools to help yo  
packages easil  
▶ Register Now

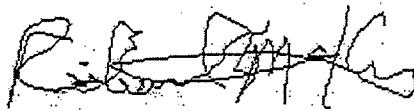
## Log in to DHL

User ID

Password

 Remember my User ID[Log in](#)[Forgot your Password?](#)

### Signature

**RECEIVED IN GOOD ORDER EXCEPT AS NOTED**

### Receiver Information

Please retry later to obtain receiver infomation.

Tracking detail provided by DHL: 6/2/2005 2:28:35 PM

[View Tracking Detail](#)

[E-mail Delivery Signature](#)

[Track new shipment](#)

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**Lawrence E. Stevens**  
Assistant Vice President  
General Licensing

June 10, 2005

Anthony Ruscito Jr.  
Skyline Bar and Grille  
305 Victory Road  
Quincy MA 02171

DHL

Re: Skyline Bar and Grille

Dear Mr. Ruscito Jr.:

This is to notify you that infringement of BMI copyright controlled music recently occurred in your establishment and was noted by our Music Researcher. Said infringement is in violation of the rights granted copyright owners under the copyright law of the United States. You had previously been advised that we would not permit the unauthorized use of the music we control within your establishment.

We have provided you with all the pertinent information and request that you obtain a license to permit the public performance of BMI copyrighted music in your establishment. We remain ready to furnish you a license at equitable rates. The fees below cover all unlicensed periods for your business. In addition to the license fees, Music Researcher fees have been incurred.

**PERIOD & FEE**

2/1/04 - 1/31/05 = \$2,562.00

2/1/05 - 1/31/06 = \$2,632.00

|                        |          |
|------------------------|----------|
| Music Researcher Costs | \$468.00 |
|------------------------|----------|

|        |            |
|--------|------------|
| TOTAL: | \$5,662.00 |
|--------|------------|

In order to resolve this issue at this time, the enclosed Music License Agreement must be completed, signed and returned along with a payment for all outstanding fees within 5 days from the date of this letter. Should you fail to return the completed and signed Agreement with full payment by that date, you will leave me with no alternative other than to refer this matter to our attorneys for whatever action they deem necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens

Encl: EDE1 MPA , Legal Aspects, WDYMLFG?, BRE  
3323115502596/dy/Premise State: MA



10 Music Square East, Nashville, Tennessee 37203-4399  
BMI and the music stand symbol are registered trademarks of Broadcast Music, Inc.

(800) 925-8451

Fax: (615) 401-2861

8DMD05.doc

Contact



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DHL USA Home



## Track results detail

Tracking results detail for 16647544270

### Track

- ▶ [Track by number](#)
- ▶ [Track by reference](#)
- ▶ [Get delivery signature](#)
- ▶ [Track-DHL Same Day service](#)

### Log in to DHL

User ID

Password

Remember my User ID

[Log in](#)

▶ [Forgot your Password?](#)

### Tracking summary

#### Current Status

✓ **Shipment delivered.**

[View Signature](#)

#### Delivered on

6/13/2005 3:45 pm

#### Delivered to

Receptionist

#### Signed for by

REDDY [What is this?](#)

### Tracking history

#### Date and Time

6/13/2005 3:45 pm  
5:32 am  
6/12/2005 9:06 am  
6/10/2005 5:45 pm  
4:28 pm

#### Status

Shipment delivered.  
Arrived at DHL facility.  
Transit through sort facility.  
Departing origin:  
Picked Up by DHL.

#### Location

Boston, MA  
Boston, MA  
Wilmington, OH  
Nashville, TN  
Shipper's Door

#### Ship From:

B M I  
Nashville, TN 37203  
United States

#### Ship To:

SKYLINE BAR AND GRILLE  
Quincy, MA 02171  
United States

Shipment Information:  
Ship date: 6/10/2005  
Pieces: 1  
Total weight: 1 lb  
Ship Type: Letter Exp

#### Attention:

B M I

#### Attention:

SKYLINE BAR AND GRILLE

Shipment Reference:  
Service: 2nd day  
Special Service:  
Description:

Tracking detail provided by DHL: 6/14/2005, 8:18:44 am pt.

[Track new](#)

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### New to DHL?

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### Questions?

We're here to help!  
▶ [Contact DHL](#)

Conta

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## Delivery Signature Detail

**Track**

- ▶ Track by number
- ▶ Track by reference
- ▶ [Get delivery signature](#)
- ▶ Track DHL Same Day service

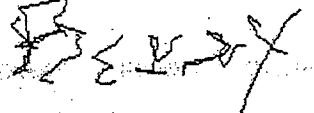
**Tracking Delivery Signature details... Tracking Number 16647544270**▶ [Help](#)[New to DHL?](#)**Tracking summary****Current Status** **Shipment Delivered****Delivered on** 6/13/05 3:45 pm**Delivered to** Receptionist**Signed for by** REDDY[Help me with the signed by codes](#)

Registration is  
And as a regist  
have access to  
tools to help yo  
packages easil  
▶ Register Now

**Log in to DHL**

User ID

Password

 Remember my User ID**Signature****RECEIVED IN GOOD ORDER EXCEPT AS NOTED****Log in** ▶ [Forgot your Password?](#)**Receiver Information**

Please retry later to obtain receiver information.

Tracking detail provided by DHL: 6/14/2005 8:18:53 AM

[View Tracking Detail](#) [E-mail Delivery Signature](#) [Track new shipment](#)

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Lawrence E. Stevens  
Assistant Vice President  
General Licensing

July 20, 2005

Anthony Ruscito Jr.  
Skyline Bar and Grille  
305 Victory Road  
Quincy, MA 02171

RE: Skyline Bar and Grille

Dear Mr. Ruscito:

This is to notify you that the cease and desist order sent to you by BMI remains in full force and effect.

Since we have not received the license from you that would legally allow the performances of BMI represented copyrighted compositions in your business or organization, we must proceed in efforts to protect the rights of our more than 300,000 writers and publishers. However, this can be avoided by contacting this office immediately.

Violations of the copyright law are expensive. Damages for infringement of at least \$750 per song, which can be significantly increased by the courts, are set forth in Title 17 of the United States Code (Copyright Law).

If you have any questions regarding this important matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence E. Stevens".

Lawrence E. Stevens

3323115502596 /tcj





Lawrence E. Stevens  
Assistant Vice President  
General Licensing

July 20, 2005

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Quincy, MA 02171

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Lawrence E. Stevens  
Assistant Vice President  
General Licensing

July 20, 2005

Grimoaldo A. Ruscito  
Skyline Bar and Grille  
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Quincy, MA 02171

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